

## REMARKS

Applicant respectfully requests reconsideration of the present application.

### Office Action Rejections Summary

Claims 1-4 and 7-21 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,363,065 of Thornton et al. ("Thornton").

Claims 5 and 6 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Thornton in view of U.S. Patent No. 6,075,942 of Cartwright Jr. ("Cartwright").

### Status of Claims

Claims 1-21 are pending in the application. No claims have been amended. No claims have been added. No new matter has been added. No claims have been canceled.

### Claim Rejections

Claims 1-4 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,363,065 of Thornton et al. ("Thornton"). In response to the Applicant's arguments, the Office Action states:

Applicant's argument over rejection of claim 2 has been fully considered but they are not persuasive.

Regarding the argument traversing the rejection of Claim 1 that T1AB is not a "software module" but rather a process, the examiner respectfully disagrees. **Thornton FIG. 5 is a low-level block diagram of call processing software (column 7 lines 27-30)** and software is programmable which indicates the T1AB to be a programmable software process.

(6/9/05 Office Action, pp. 8-9)(emphasis added).

Applicant respectfully disagrees with the Office Action's characterization of the disclosure of Thornton. The column 7, lines 27-20 passage of Thornton that the Office Action cites to is a "BRIEF DESCRIPTION OF THE DRAWINGS" that clearly only

provides a general description of some of the components illustrated in Figure 5. It is respectfully submitted that the Office Action's attempted characterization of everything in Figure 5 as "software" is incorrect based not only on what is illustrated in Figure 5 but also on what is provided in the "DETAILED DESCRIPTION" of Thornton in relation to Figure 5. For example, Figure 5 illustrates (and Thornton describes in the corresponding detailed description) hardware components such as "Event Log Server" 596 and Data Paths that are not software. Therefore, it is incorrect to characterize any and all components illustrate in Figure 5 of Thornton as "software" merely because the Brief Description of the Drawings of Thornton provides a statement of only some of the components (i.e., software) that are depicted in Figure 5.

It is submitted that Thornton explicitly discloses T1AB 575 to be a "process" as noted by the Key on Figure 5 of Thornton and distinguishes this from a software module that is represented by a rectangular box in the Key on Figure 5. Moreover, Thornton defines a "process" as "an independent execution entity of which the system operating system is aware. A process can contend for system resources then controlled by the operating system, such as, e.g., the processor, memory and input/output (I/O) access." (Thornton, col. 21, lines 56-60). Accordingly, T1AB 575 is not "software" in gateway 200 of Thornton. *It is submitted that the Office Action cannot characterize the teachings of Thornton contrary to what is explicitly disclosed in Thornton.*

Furthermore, nothing in Thornton discloses that TIAB 575 is a "programmable CAS module" as recited in claim 1. It appears that the Office Action is reasoning that since "software is programmable" then any software module must be "programmable." It is respectfully submitted that such reasoning is inapposite. It is well known by those of ordinary skill in the art, and supporting in the description of the present application, that a "programmable" module is one that may be programmed after its initial construct. Merely a module (i.e., non-programmable) is one that cannot be programmed after its

initial construct and must be replaced with a new module. (See pages 1 and 4 of the present application).

Therefore, it is submitted that Thornton does not disclose a “programmable CAS module” as recited in claim 1 and, thus, claim 1 is patentable over Thornton. It is submitted that claims 2-4 are also patentable over Thornton because claims 2-4 depend from and, therefore, include the limitations of claim 1.

Claims 5-6 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Thornton as applied to claims 1-4 above, in view of Cartwright. Claims 5-6 depend from and, therefore, include the limitations of claim 1. It is submitted that Cartwright fails to cure the deficiencies of Thornton noted above with respect to claim 1 and, therefore, claims 5-6 are patentable over Thornton in view of Cartwright.

Claims 7-21 have been rejected under 35 U.S.C. §102(e) as being anticipated by Thornton. It is submitted that claim 7 is patentable over Thornton. Claim 7 recites:

A method comprising:

allowing a user to define a state, an event, or an action of a telephony protocol;

downloading the user defined state, event, or action to a channel associated signal (CAS) engine; and

**changing a telephony protocol of the CAS engine** corresponding to idle telephone lines associated with the CAS engine based on the user defined state, event, or action.

(emphasis added)

In response to the Applicant’s arguments, the Office Action states:

Regarding the argument traversing the rejection of Claim 7 that Thornton column 25 lines 12-25 do not refer to the operations of a CAS engine, the examiner respectfully disagrees.

Thornton column 22 lines 36-41 cites:

“Through such interaction, a user can set system configuration parameters, invoke various internal test procedures, and perform other

functions provided by the gateway, such as, e.g., reading internal event logs, downloading internal operational statistics, and updating various software modules, such as DSP drivers.”

Thornton column 25 lines 12-15 cites:

“Conventional web server 514 shown in FIG. 5 operating through HTTP server 520 provides access to pre-defined web pages 511, with user entry dialogs, through the user can enter configuration information into the gateway.”

Further, Thornton column 25 lines 25-31 cites:

“A user interface is provided, via command and manufacturing test library 575, through which, as discussed above, the user can interact with the gateway, and, e.g., update software through FTP process 529, download log entires, execute various manufacturing test (such as T1/E1 framing, loopback, LED tests and others), and so forth.”

Thornton provides the user means through a web server to configure the gateway. This includes the software of the T1AB module 575 associated to the Call Handling module 560.

(6/9/05 Office Action, pp. 8-9).

Be that as it may, it is respectfully submitted that the above quoted passages of Thornton by the Office Action do not even contain a description of a “CAS engine,” let alone changing the telephony protocol of a CAS engine. The Examiner is respectfully requested to identify where the phrase “channel associated signals” or the corresponding acronym “CAS” appears in the above quoted passage of Thornton.

It is submitted that Thornton refers to CAS in the context of its CAS manager 830 of Figure 8. Thornton discloses that the CAS manager 830 shown in Figure 8 provides an interface between a trunk group and a physical trunk line using channel associate signaling. (Thornton, col. 33, lines 26-67; Figure 8). Nothing in Thornton discloses changing a telephony protocol of a CAS engine corresponding to idle telephone lines associated with the CAS engine based on the user defined state, event, or action, as recited in claim 7. Therefore, it is submitted that claim 7 is patentable over Thornton.

It is submitted that claims 8-11 are also patentable over Thornton because claims 8-11 depend from and, therefore, include the limitations of claim 7.

For reasons similar to those given above in regards to claim 7, it is submitted that claims 12-21 are patentable over Thornton.

In conclusion, applicants respectfully submit that in view of the arguments set forth herein, the applicable rejections have been overcome.


If the Examiner believes a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Daniel Ovanezian at (408) 720-8300.

If there are any additional charges, please charge our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 11/9, 2005

  
Daniel E. Ovanezian  
Registration No. 41,236


12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025-1026  
(408) 720-8300

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